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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

RUSSIAN FEDERATION

1. The Committee considered the second periodic report of the Russian Federation (CRC/C/65/Add.5) at its 564th and 565th meetings (see CRC/C/SR.564-565), held on 23 September 1999, and adopted[1] the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report and takes note of the detailed written answers to the list of issues (CRC/C/Q/RUS/2) submitted by the State party. The Committee notes with appreciation the high-ranking composition of the State party delegation which appeared before the Committee, the delegation's frankness in discussion and the constructive efforts made to provide additional information in the course of the dialogue.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee takes note of the efforts made by the State party to strengthen the legislative base for the protection of the rights of the child in the Russian Federation, including amendments to the Family Code, Criminal and Penal Codes and the Education Act, and the adoption of the 1999 Federal Prevention of Child Neglect and Juvenile Crime Act and the 1998 Federal Law on the Basic Guarantees of the Rights of the Child.

[1] At the 586th meeting, held on 8 October 1999.

4. The Committee welcomes the institution of the Human Rights Commissioner in 1997, the establishment of the intersectoral committee and the appointment of child rights commissioners in five regions and cities. The Committee notes with satisfaction the commitment expressed by the State party delegation to the establishment of an Office of Federal Commissioner for Child Rights, following the recommendations of the Human Rights Commissioner, members of the State Duma and national NGOs.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

(arts. 4, 42 and 44, para. 6 of the Convention)

Legislation

5. While the Committee takes note of the many laws that have been adopted and amended in recent years, it remains concerned that the State party has not fully complied with the recommendations made by the Committee in 1993 to ensure that domestic legislation is in full conformity with the principles and provisions of the Convention.

6. **The Committee recommends that the State party take all appropriate measures to expedite the process of law reform, especially with regard to reforms improving upon the administration of juvenile justice and the criminal justice procedure, the protection of the rights of children with disabilities, the protection of children from alcohol, drug and substance abuse, the protection of children from pornography, the protection of children from all kinds of violence and abuse, including domestic violence, and the establishment of standards and monitoring mechanisms with regard to all the different child-related kinds of institutions.**

7. **The Committee encourages the State party to complete the process of adopting the necessary resolutions and directives, and to allocate the professional manpower and financial resources required for the effective implementation of all child-related legislation.**

Independent monitoring structures

8. While the Committee welcomes the institution in 1997 of the Human Rights Commissioner and of pilot projects for child rights commissioners in a few regions, it is still concerned at the limited powers and status of these bodies and the crucial need for the State party to provide for an independent monitoring structure to review implementation of the Convention within the State party.

9. **The Committee recommends that the State party consider the establishment of an independent Ombudsman for children at the federal level, with clear links to similar mechanisms at regional levels, each with a clearly defined and appropriate mandate, including the monitoring of care and juvenile justice structures, and powers and resources sufficient to guarantee effectiveness.**

Coordination

10. While the Committee acknowledges the State party's efforts to set up a coordinating committee to implement the Convention on the Rights of the Child, it remains concerned at the lack of adequate coordination between various federal government entities dealing with children and at the absence of any focal point with overall responsibility for child rights strategies, policies and activities within the State party. Further, the Committee is concerned that the decentralization of responsibilities and actions from the federal authorities to their regional counterparts lacks sufficient guarantees to prevent disparities in the protection of children's rights.

11. **The Committee encourages the State party to strengthen coordination between the various government bodies involved in child rights at both federal and regional levels, and to consider unifying the different agencies under one focal ministry in order to promote better coordination. The Committee further encourages the State party to ensure that the division of responsibilities between federal and regional authorities provides for the best possible protection of children's rights.**

Budgetary issues/financial situation/State benefit distribution/funding

12. The Committee is concerned that the prolonged financial crisis has had a negative impact on the development of children, leading to a worsening of their living conditions, as well as on the implementation of social investment programmes and, ultimately, on respect for the rights of the child. In particular, the Committee is seriously concerned at the widespread poverty, the weakening of the family structure, the increasing numbers of neglected and homeless children and children living and working in the street, the high numbers of suicides, the extent of drug and alcohol abuse and increases in juvenile delinquency.

13. The Committee recognizes the State party's efforts to temporarily "target" existing assistance to families with the lowest incomes, however, the Committee is particulary concerned that those families and children who will not receive assistance during this interim period will suffer. The Committee is also concerned at non-, or delayed, payment of State benefits, in particular child allowances.

14. **In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that the State party undertake all appropriate measures to the maximum extent of its available resources to ensure that budgetary allocations for health, education and other social services for children are adequately protected, in particular for children belonging to vulnerable and marginalized groups.**

15. **Furthermore, the Committee encourages the State party to seek additional solutions to budgetary problems, such as retargeting expenditure or prioritizing programmes and increasing the proportion of international assistance used to further the State party's implementation of the Convention on the Rights of the Child.**

16. **The Committee urges the State party to ensure that all benefit payments are made, that the use of targeted benefits is monitored and that the presidential programmes included in "Children in Russia" all be appropriately funded.**

17. **The Committee further recommends that the State party review its budgetary allocation policies so as to maximize the available resources allocated to the protection of the most vulnerable groups, and continue to implement the Committee's 1993 recommendation regarding careful monitoring of the impact of the economic crisis on the standard of living of children.**

Involvement of NGOs

18. The Committee is concerned at the limited implementation of its 1993 recommendation concerning the need to support the involvement of NGOs in the implementation of the Convention.

19. **The Committee encourages the State party to increase its support for, and cooperation with, NGOs in their efforts to provide training, disseminate information about the Convention and to monitor implementation, including through strengthening partnership in the reporting process and in the monitoring of care and juvenile justice institutions.**

Dissemination of the principles and purposes of the Convention

20. The Committee is concerned that the State party's efforts still need to be increased in connection with the Committee's 1993 encouragement to continue dissemination of the principles and provisions of the Convention.

21. **The Committee recommends that the State party take further measures to publicize and teach the principles and provisions of the Convention among the adult population, including professional groups and parents, as well as among children.**

2. General principles

(arts. 2, 3, 6 and 12 of the Convention)

Principle of non-discrimination (art. 2)

22. While the Committee welcomes the State party's adoption of legislation banning discrimination, it remains concerned at the growing disparities between regions, including notably the far north, and between urban and rural children, in legislation, budgetary allocations, policies and programmes concerning health, education and other social services and with the situation of children in need of special protection.

23. The Committee is also concerned at the disadvantaged situation of girls in rural areas, particularly with regard to access to education, health and protection from sexual abuse and exploitation.

24. Furthermore, the Committee is concerned at general reports of a growth in the incidence of racism and xenophobia in the State party.

25. **The Committee recommends that the State party intensify measures to reduce economic, social and regional disparities, and take further steps, along the line of the Committee's 1993 recommendation, to prevent any discrimination against children or disparities in their treatment, including with regard to children with disabilities and children belonging to religious and ethnic minorities.**

The right to life (art. 6)

26. In the light of article 6 of the Convention, the Committee is concerned at the threat posed to the child's right to life by the rapidly increasing rates of child suicide and killings of children, in particular concerning boys.

27. **The Committee recommends that the State party take all appropriate measures with a view to bringing about a reversal in recent increases in child suicide and killing, and to promoting preventive efforts, including a strengthening of measures already taken to increase crisis intervention and preventive support and counselling services to assist children, especially adolescents, and families at risk.**

3. Civil rights and freedoms

(arts. 7, 8, 13-17 and 37 (a))

Protection from torture (art. 37 (a))

28. The Committee is concerned at allegations of widespread practice of torture and ill-treatment, and conditions amounting to inhuman or degrading treatment, of children living in institutions in general and in places of detention or imprisonment in particular - including acts committed by law enforcement officials involving corporal punishment.

29. **The Committee recommends that the State party take appropriate measures to bring to an end and prevent these practices and to duly investigate allegations and punish perpetrators of such acts. The Committee also endorses the implementation of the recommendations made by the Committee against Torture and the Special Rapporteur on torture with regard to these concerns.**

30. **Further, the Committee recommends that the State party monitor and bring to an end corporal punishment practices in institutions.**

4. Family environment and alternative care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39)

Abuse/neglect/maltreatment/violence (art. 19)

31. While the Committee welcomes the growing awareness by the State party of the dangers of domestic violence, the Committee remains concerned at the persistent ill-treatment and neglect of children in the State party in the context of the family. The Committee is also concerned at the widespread incidence of violence against women and its impact on children.

32. **The Committee recommends that the State party give special attention to the problem of ill-treatment, neglect and abuse, including sexual abuse, of children both within and outside the family.**

33. **The Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence against children, in accordance with article 19 of the Convention.**

34. **The Committee also suggests that comprehensive studies on these problems be initiated in order to facilitate the elaboration of policies and programmes, including treatment and rehabilitation programmes.**

35. **Further, in the light of the Committee's recommendation contained in paragraph 21 of its 1993 concluding observations (CRC/C/15/Add.4) the Committee encourages the State party to promote child-friendly procedures for complaint, investigation and presentation of evidence for child victims of violence and abuse, and to reinforce the investigation of crimes committed, and the prosecution and appropriate punishment of perpetrators.**

Review of placement of children (art. 25)

36. The Committee expresses serious concern at prevailing policies and practices of institutionalization and at the extremely high number of children in institutions and the living conditions in these institutions. With reference to article 25 of the Convention, the Committee is also concerned that periodic review of placement is not systematically guaranteed, and that the Committee's 1993 recommendations in this regard have not been fully implemented.

37. **The Committee refers to paragraph 19 of its 1993 concluding observations (CRC/C/15/Add.4) and recommends that the State party seek to formulate national policy on de-institutionalization, increase the use of alternative measures to the institutionalization of children and consider measures to strengthen community oriented social services.**

38. **In this perspective, the Committee encourages the State party to take effective measures to provide families where children may be at risk of neglect or abuse with support, education and counselling services, so as to prevent the occurrence of abuse and**

the need to remove children from parental care. The Committee also recommends the strengthening of adoption and foster care as alternatives to institutionalization.

39. **The Committee also recommends that appropriate procedures be adopted to provide for the periodic review of all types of placement. In the light of article 3, paragraph 3, of the Convention, the Committee further recommends the reform, including legal reform, of the institutional system by the establishment of standards for conditions in institutions and their regular inspection, in particular by reinforcing the role and powers of independent inspection mechanisms and ensuring their right to inspect foster homes and public institutions without warning. In this regard, the Committee urges the State party to seek technical assistance, inter alia from the United Nations Children's Fund (UNICEF) and the World Health Organization.**

Children with disabilities (art. 23)

40. The Committee is concerned at the situation of children with disabilities, especially children with mental disabilities and children living in institutions. In particular, the Committee is concerned at the current diagnostic system and practices, at conditions for disabled children living in institutions, at the lack of adequate professional assistance for the development, treatment and rehabilitation of children with disabilities and at the slow process of inclusion of children with disabilities in mainstream education.

41. **The Committee encourages the State party to pursue its efforts to improve the early diagnosis of children with physical and mental disabilities and to prevent as far as possible their being placed in institutions. It recommends the strengthening of professional treatment services and the support and counselling provided to families in order to enable children to live at home and to promote their social inclusion.**

42. **The Committee encourages the State party to strengthen its efforts to benefit from international cooperation, in accordance with article 23, paragraph 4, of the Convention, with a view to enhancing policies on integrating children with disabilities into society.**

Intercountry adoption (art. 21)

43. The Committee is concerned at the insufficient guarantees against the illicit transfer and the trafficking of children out of the State party and the potential misuse of intercountry adoption for purposes of trafficking, inter alia for economic and sexual exploitation.

44. **The Committee encourages the State party actively to consider ratification of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Committee welcomes the information that the State party is considering ratification of the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption and urges the State party to expedite its efforts to accede to the Convention. In the light of article 21 of the Convention, the Committee recommends that efforts be strengthened to establish procedures regarding intercountry adoption with a view to protecting the best interests of the child.**

5. Basic health and welfare

(arts. 6, 18, paras. 3, 23, 24, 26 and 27, paras 1-3)

Right to health (art. 24)

45. The Committee notes with appreciation the efforts undertaken by the State party in the area of basic health and welfare, especially its efforts to improve maternal health care and reduce infant mortality rates. It also welcomes the success achieved in complying with the Committee's 1993 recommendation in regard to immunization programmes. The Committee is still concerned at the persistence of a high infant mortality rate and at the deteriorating health infrastructure and services. Furthermore, the increase in parasitic, infectious and respiratory illnesses (tuberculosis in particular) is an issue of great concern to the Committee, as is also the increase in malnutrition and the small percentage of children who are breastfed.

46. **The Committee recommends that the State party consider seeking technical assistance to continue its efforts to reverse the deterioration in primary health care. In particular, the Committee urges the State party to continue efforts to cure and prevent the spread of tuberculosis and other diseases, to continue efforts to reduce the use of abortion as a means of contraception, and to promote breastfeeding.**

47. The insufficient information on preventive campaigns and rates of HIV/AIDS and sexually transmitted diseases (STDs) is a matter of concern to the Committee.

48. **The Committee recommends that the State Party guarantee the effectiveness of measures taken to ensure access for adolescents to sex education, including information about contraception and STDs, measures to promote adolescent health by strengthening reproductive health and family planning services, as well as counselling services, and measures to prevent and combat HIV/AIDS, STDs and teenage pregnancy and abortions.**

6. Educational, leisure and cultural activities (arts. 28, 29, 31)

Right to education (arts. 28 and 29)

49. The Committee notes the State party's efforts on education, especially the adoption of a new Education Act, which is aimed at ensuring the continued provision of free and compulsory basic education and increasing the accessibility of free secondary education. In this regard, the Committee remains concerned at the growing drop-out rates, the reduction in enrolment rates for vocational and technical secondary education - especially among girls - and the deterioration of school infrastructure and of the conditions of service for teachers, including low wages and delays in payment.

50. **The Committee encourages the State Party to collect information on drop-out rates and their causes, and on the situation of children expelled for disciplinary reasons. It also encourages the State party to continue its efforts to shelter the education system from the impact of the economic crisis and, in particular, to give further attention to the conditions**

of service of teachers. The Committee encourages the State party to introduce human rights, including children's rights into the school curricula as an independent subject.

Access to medical and other social services

51. The Committee is concerned at reports that some municipal administrations are continuing to prevent parents and their children from having access to medical, educational and other social services in a city for which they do not have a residency permit, notwithstanding this practice being prohibited by law. Its practice is particularly harmful to internally displaced children, migrants and asylum-seekers, and children working and living in the street.

52. **The Committee urges the State party to end this practice of discrimination against children without residence permits through, inter alia, training and awareness raising for local government and law-enforcement officials.**

7. Special protection measures

(arts. 22, 38-40, 37 (b)-(d), 32-36)

Refugee children (art. 22)

53. The Committee is concerned at the treatment of asylum-seekers and at the practice of refusing children and their families, in particular those not arriving from former territories of the Soviet Union, the right to register their application for asylum.

54. **The Committee encourages the State Party to ensure adequate legal protection of refugee children, including access to health, education and other social services.**

55. **The Committee recommends that a review be undertaken of procedures, policies and practices concerning the right to register applications for asylum, especially on behalf of unaccompanied children.**

Children and armed conflict, and their recovery (arts. 38 and 39)

56. The Committee is concerned at the lack of respect for the rights of children in areas of ongoing armed conflict within the State party, such as in Chechnya and Dagestan. The Committee is concerned, especially, at the involvement of children in armed conflict, at violations of provisions of international humanitarian law and at the number and situation of internally displaced children. The Committee is also concerned at the application, by courts in Chechnya, of the death penalty and certain corporal punishments, including mutilation, when sentencing children. In addition, the Committee is concerned at reports of alleged summary executions, involuntary disappearances, arbitrary detention, torture and ill-treatment of children in the region.

57. **The Committee encourages the State party to ensure that children and other civilians are protected during periods of conflict and that support and rehabilitative assistance, including psychological aid, is made available to internally displaced children and children living in regions of armed conflict.**

Child labour (art. 32)

58. The Committee remains concerned that child labour and economic exploitation are a growing problem affecting children in the State party. Additionally, the Committee is concerned at the high number of children working and/or living in the street who require special attention because of their increased vulnerability to involvement in juvenile crime, alcohol and substance abuse and sexual exploitation - including through criminal organizations.

59. **The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws, in particular in the "informal" sector, to protect children from being economically and sexually exploited, including through prostitution. The Committee recommends that the State party undertake research on the issue of children living and/or working in the street with a view to improving policies, practices and programmes concerning these children.**

60. **Finally, the Committee recommends that the State party consider seeking technical assistance from the ILO-IPEC when developing a comprehensive policy to prevent and combat the growing problem of child labour, that the State party strengthen its efforts to implement the provisions of ILO Convention (No. 138) Concerning the Minimum Age for Admission to Employment (1973) and that the State party consider ratifying ILO Convention No 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

Drug abuse and other forms of substance abuse (art. 33)

61. The Committee is concerned at the growing problem of alcohol, drug and other substance abuse among children and their families.

62. **The Committee recommends that the State party undertake additional efforts to prevent the abuse of alcohol by children and their involvement in the distribution and consumption of drugs. The Committee also recommends that further measures be undertaken to provide adequate treatment, rehabilitation and support services to children and their families involved in alcohol, drug and substance abuse.**

Sexual exploitation and abuse (art. 34)

63. The insufficient legislation, policies and programmes to protect children from commercial sexual exploitation, abuse and pornography is a matter of concern to the Committee.

64. **Further to the recommendation contained in paragraph 24 of its 1993 concluding observations (CRC/C/15/Add.4), the Committee recommends that the State party undertake a comprehensive study on commercial sexual exploitation and abuse and the use**

of children in pornography. The Committee also recommends that additional legislative measures be undertaken and that services be expanded in order to enhance the protection of children from sexual exploitation and abuse, and to ensure the treatment and rehabilitation of child victims. The Committee further encourages the State party, in its efforts to address commercial sexual exploitation, to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996.

Children of minorities or of indigenous peoples (art. 30)

65. While the Committee notes the 1996 Federal National Cultural Autonomy Act and programmes designed to provide support to minorities, the Committee remains concerned at the living conditions of ethnic minorities, especially in the north, and their access to health, educational and other social services. The Committee is also concerned at the growing incidence of societal discrimination against children belonging to ethnic minorities.

66. **The Committee recommends that the State party take all necessary measures to protect minority children from discrimination and to guarantee their full access to educational, health and other social services.**

Administration of juvenile justice (arts. 37, 40 and 39)

67. The area of juvenile justice is a matter of persistent and serious concern to the Committee, in particular regarding the insufficient implementation by the State party of the Committee's 1993 recommendation on the need to set up a system of juvenile justice, including the adoption of a law on juvenile justice and the establishment of juvenile courts.

68. The Committee expresses its concern over reports of police brutality and torture committed against detained juveniles during the investigation of their alleged acts, and its concern over the extended periods of pre-trial detention of juvenile detainees at the discretion of the Procurator. The Committee is also seriously concerned at the treatment of juvenile offenders living in educational colonies, places of pre-trial detention or in special educational establishments, and at the poor conditions of detention and in prisons in general.

69. **In the light of the Committee's recommendations contained in paragraphs 22 and 23 of its 1993 concluding observations (CRC/C/15/Add.4), articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party take particular measures to implement, as soon as possible, the planned reform of the system of juvenile justice, including the adoption of comprehensive legislation on juvenile justice, the introduction of special juvenile courts with trained juvenile judges and the revision of the Code of Criminal Procedure, so as to transfer the power to order the arrest of juveniles from the Procurator to the juvenile courts, to limit the term of pre-trial detention and to expedite court procedures and the**

training of law enforcement and judicial officials in child rights and the rehabilitative aims of juvenile justice, as provided for by the Convention on the Rights of the Child.

70. **The Committee strongly urges the State party to use the deprivation of libert, only as a measure of "last resort" in dispensing juvenile justice, as required by the Convention. To this end, the Committee urges the State party to make wider use of alternatives to deprivation of liberty, to make the necessary resources available for administering such alternatives and to restructure juvenile reform institutions with a view to enhancing the rehabilitation of juvenile delinquents.**

71. **The Committee also urges the State party to take immediate measures to protect the rights of children deprived of their liberty, by providing legal assistance to children and by improving conditions in places of detention, including pre-trial detention centres and educational colonies. Further, the Committee recommends the establishment of an appropriate and independent child-friendly complaint mechanism in cooperation with NGOs, the timely addressing of rights violations observed and programmes to assist in the rehabilitation and reinsertion into society of juveniles following their release from detention.**

72. **The Committee recommends that the State party consider seeking international cooperation and technical assistance with regard to juvenile justice from, inter alia, the United Nations Centre for International Crime Prevention, the Office of the High Commissioner for Human Rights, UNICEF and the International Network on Juvenile Justice through the United Nations Coordination Panel on Juvenile Justice.**

Dissemination of reports

73. **Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and the concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.**